

**SOUTHEASTERN COALITION TO UPHOLD  
RIGHTS OF WAY ENFORCEMENT**

**(S E C U R E)**

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**DEC 27 2004**

**FCC - MAILROOM**

**December 21, 2004**

**Mr. Michael K. Powell, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554**

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**Dear Chairman Powell**

**It gives our group of local governments in the 10 southeastern states serious pause when we consider the vision of the FCC standing in the Supreme Court on the side of one of the mega industries as it considers the cable-based Internet access case.**

**It would seem to us that this is a matter between the industries involved and that the FCC should take a neutral position.**

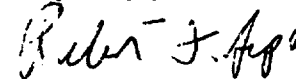
**Further, it concerns us that the FCC continues to work for deregulation of these industries when it has been clearly shown that deregulation costs consumers as in the case of the airline, trucking, and electric service providers. We all know what a disaster the attempt to deregulate electric power turned out to be and was discontinued with a great deal of embarrassment for those pushing deregulation when the rates in California escalated and the Enron matter was uncovered.**

**Additionally, it concerns us that two important and involved entities, local and state governments, have not had their positions studied. The right to franchise the use of the right-of-way is fundamental to these two levels of government and there is real question as to whether the Federal Government has the right to interfere.**

**We hope you will return to fulfilling the fundamental purpose of the FCC, which is to protect the consumer from defacto monopoly abuses. Protecting the public and consumer interest must be first and foremost on the FCC's agenda and its policy and decisions should reflect the public trust with which it has been endowed.**

We will be watching with great interest at how all this plays out.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert F. Sepe". The signature is written in a cursive, slightly stylized font.

Robert F. Sepe  
President

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